



Comptroller General  
of the United States

Washington, D.C. 20548

154558

## Decision

Matter of: Harry D. Bickford

File: B-257317

Date: June 12, 1995

### DIGEST

An employee became ill while on temporary duty and was hospitalized. The employee's wife traveled to the temporary duty location, occupied his unused hotel room on the day following the day he was hospitalized, took possession of his luggage and the government equipment and files he had with him, and remained there until he was discharged from the hospital. She also made local calls to his supervisor and to cancel his appointments. The employee claimed lodging costs for the entire period the hotel room was used, including the time it was occupied by his wife, and the telephone use charges. Under 41 C.F.R. § 301-12.5 (1994), an employee may continue to receive per diem for the period of his illness while on temporary duty away from his official station. The employee is entitled to his hospital lodging expenses and meals, as well as the cost of his hotel room for the day after he was hospitalized prior to occupancy by his wife. The telephone use charges are allowable since the calls were for official business. However, the cost of the hotel room for the period occupied by his wife may not be allowed. James A. Sisler, B-220540, Mar. 31, 1986.

### DECISION

This decision is in response to a request from an authorized certifying officer, National Mediation Board.<sup>1</sup> The question asked is whether an employee performing temporary duty may be reimbursed for lodging and other expenses, including those incurred by his wife, at his temporary duty location during the period he was hospitalized at that location. We conclude that the employee may be reimbursed for his own lodging and meal expenses, but not for his wife's lodging, for the following reasons.

Mr. Harry D. Bickford, an employee of the National Mediation Board stationed in Jacksonville, Florida, was performing temporary duty in Miami, Florida. While there, he became ill and was admitted to the intensive care unit of a local hospital on the evening of March 15, 1994. He remained there until the morning of March 25, 1994.

<sup>1</sup>Mr. William A. Gill, Jr.

During his hospital stay, his hotel room, which contained his unattended government confidential files, computer and printer, and personal possessions, continued to accrue daily charges to Mr. Bickford since it remained unoccupied and was not canceled. However, we understand that Mrs. Bickford, who was not a federal employee, traveled to Miami on March 17, 1994, occupied the room during the remaining period of his illness, and took possession of Mr. Bickford's luggage as well as the government files and equipment. She also made telephone calls from the room to apprise Mr. Bickford's supervisor of his medical status and to cancel his upcoming appointments. On March 25, 1994, Mr. Bickford was discharged from the hospital and he and his wife returned to their residence in St. Augustine, Florida, where he remained on sick leave for the remainder of March 1994.

Mr. Bickford filed a travel voucher on April 4, 1994, claiming round-trip mileage for himself, hotel room charges and meals for the period March 14 through 24, 1994, as well as the telephone use charges imposed by the hotel.

The agency disallowed the hotel room cost of \$495 for the period of March 16 through 24 when he was in the hospital and the \$18 telephone use charge imposed by the hotel. However, the agency submitted the matter here for review because Mrs. Bickford made the telephone calls for official purposes and took possession of the agency equipment and files in the hotel room. The agency points out that her taking possession of the equipment obviated the need to send another employee to Miami to do it. If neither an agency employee nor Mrs. Bickford had been able to travel there for several days, the agency would have made arrangements to place the equipment and Mr. Bickford's possessions in storage and cancel his room.

Under the provisions of 5 U.S.C. § 5702(b)(1)(A) (1994), and section 301-12.5(a) and (b) of the Federal Travel Regulation (FTR),<sup>2</sup> a federal employee who becomes incapacitated due to illness while in a travel status is entitled to a continuation of per diem allowances while away from his official duty station, but normally not to exceed 14 days, and to transportation and travel per diem for himself for his return travel to his official station.

Based on FTR § 301-12.5(a), we have held that an employee who becomes ill while performing temporary duty and is hospitalized may be reimbursed for subsistence expenses (room and board) while in the hospital; however, the employee is not entitled to be reimbursed for his wife's lodging or other expenses she incurred since these expenses are personal to her, and not incident to official travel.<sup>3</sup> In the present case, Mrs. Bickford occupied Mr. Bickford's room beginning on March 17, 1994. Therefore, her lodging costs there from March 17 until March 24 may not be allowed.

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<sup>2</sup>41 C.F.R. § 301-12.5(a) and (b) (1994).

<sup>3</sup>James A. Sisler, B-220540, Mar. 31, 1986, and decisions cited.

There is one additional lodging cost to be considered. After Mr. Bickford entered the hospital on March 15, hotel room charges continued for another day (March 16), prior to his wife's arrival on the 17th. He has not been reimbursed for the in-between day's lodging cost. In another setting, when an employee on temporary duty had no choice but to incur dual lodging expenses, we allowed reimbursement of both lodging costs. Milton J. Olcott, 60 Comp. Gen. 630 (1981).<sup>4</sup> Accordingly, since Mr. Bickford actually incurred a cost for the hotel room on the 16th incident to official travel, we believe that it is reimbursable to him as necessarily incurred in the conduct of official business.

With regard to the telephone use charges, they were imposed by the hotel for use of its equipment when Mrs. Bickford made local telephone calls on Mr. Bickford's behalf to his supervisor and to cancel his appointments in the Miami area. Had Mr. Bickford's illness not required hospitalization, but simply prevented him from performing his duties in the area, he would have made these calls and incurred the expense involved. The fact that Mrs. Bickford made these calls instead did not change the character of the calls and the charges incurred, i.e., official necessity. Therefore, the telephone use charges for these local calls may be reimbursed as well.

/s/ Seymour Efros  
for Robert P. Murphy  
General Counsel

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<sup>4</sup>Cf. Paul G. Thibault, 69 Comp. Gen. 72 (1989).